

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SUPERVALU, INC.,

Plaintiff,

-against-

10 Civ. 4379 (DAB)
ORDER

NATIONAL UNION FIRE INS. CO.
OF PITTSBURGH, PA,

Defendant.

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DEBORAH A. BATTS, United States District Judge.

The Court is in receipt of letters from Plaintiff dated July 26 and August 4, 2010, and letters from Defendant dated July 26, July 27, and August 5, 2010. In its July 26, 2010 letter to the Court, Defendant requested leave to file a Memorandum of Law in excess of 25 pages in support of its impending Motion to Dismiss. Without response from the Court, Defendant filed its Motion and supporting Memorandum of Law of 37 pages on August 4, 2010. In its August 4, 2010 letter to the Court, Plaintiff requested that the Court order Defendant to file a revised brief that is no more than the standard memorandum length of 25 pages.

The Court agrees with Plaintiff that from the content of Defendant's Memorandum of Law, it does not appear that Defendant reasonably needed an additional 12 pages to make its argument. Accordingly, Defendant's Memorandum of Law in support of its Motion to Dismiss filed August 4, 2010 is stricken, and Defendant is directed to file a revised brief that is no more than 25 pages

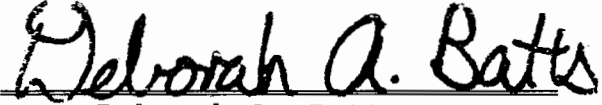
in length. Defendant shall file its revised brief by Friday, August 20, 2010 at 4:00PM.

In its July 26, 2010 letter to the Court, Plaintiff requested leave to file a cross-motion for partial summary judgment. Defendant opposed that request in its July 27, 2010 letter. Plaintiff is hereby directed to respond to the arguments made by Defendant in its July 27, 2010 letter in opposition to Plaintiff's request. Plaintiff shall respond by letter to the Court by Friday, August 13, 2010 at 4:00PM.

SO ORDERED.

Dated: New York, New York

August 6, 2010


Deborah A. Batts
United States District Judge